

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TENNESSEE  
AT GREENEVILLE

UNITED STATES OF AMERICA	)	
	)	
v.	)	No. 2:10-CR-05
	)	
ROY ROBINSON	)	

**MEMORANDUM AND ORDER**

This criminal case is before the court on the defendant's motion for a continuance of the plea deadline and the trial [doc. 28]. The defendant says that he needs time to file objections to the magistrate judge's report and recommendation and that the objections are due on March 31, 2010, but the plea deadline is March 25, 2010, the day the defendant's motion to continue was filed. Once the objections are filed, the court will need time to consider the objections, and the defendant will need additional time thereafter to prepare for trial or otherwise resolve this case. The government has no objections to the requested continuance.

The court finds the defendant's motion well taken, and it will be granted. The court finds that the ends of justice served by granting the motion outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A). The court finds that the failure to grant the defendant's motion would deny counsel for the defendant the necessary time to file objections to the

report and recommendation, would deny this court a reasonable period of time to consider the objections, and would deny the defendant time to consider a course of action (prepare for trial or negotiate a plea) based on this court's determination of the objections. 18 U.S.C. § 3161(h)(8)(B)(iv). The defendant's motion requires a delay in the proceedings, therefore, all the time from the filing of the defendant's motion to the new trial date is excludable as provided by the Speedy Trial Act. 18 U.S.C. § 3161(h)(8)(A).

Therefore, it is hereby **ORDERED** that the defendant's motion is **GRANTED**, and this criminal case is **CONTINUED** to Wednesday, **June 3, 2010, at 9:00 a.m.** The revocation hearing for this defendant in case no. 2:02-cr-72 is also continued to June 3, 2010. The new plea cutoff date is Monday, May 24, 2010.

ENTER:

s/ Leon Jordan  
United States District Judge